

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re United States Patent Application of:****Applicants:** Holtst, et al.**Application No.:** 09/970,613**Filed:** 10/04/2001**Title:** EFFLUENT GAS STREAM  
TREATMENT SYSTEM HAVING  
UTILITY FOR OXIDATION  
TREATMENT OF SEMICONDUCTOR  
MANUFACTURING EFFLUENT GASES**Docket No.:** 163 CON  
DIV**Examiner:** T. P. Duong**Art Unit:** 1764**Customer  
No.** 25559**RECEIVED  
CENTRAL FAX CENTER****DEC 06 2004****FACSIMILE TRANSMISSION CERTIFICATE****ATTN: Examiner T. P. Duong  
Fax No. (703) 872-9306**

I hereby certify that this document is being filed in the United States Patent and  
Trademark Office, via facsimile transmission to Mail Stop Amendment,  
Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on  
December 6, 2004, to United States Patent and Trademark Office facsimile  
transmission number  
(703) 872-9306.

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Number of Pages (including cover)



Marianne Fuierer

December 6, 2004

Date

**RESPONSE TO NOVEMBER 5, 2004 OFFICE ACTION  
IN U. S. PATENT APPLICATION NO. 09/970,613**

Commissioner for Patent  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the Office Action dated November 5, 2004, Examiner Doung imposed a restriction requirement under 35 U.S.C. §121 against claims 1 and 61-110 and required that an election be made between one of the following groups:

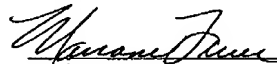
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|----------|--|
| Group I  | Claims 61-70 and 88-96, drawn to a method for treating the effluent fluid stream, classified in class 423, subclass 242.3; and |
| Group II | Claims 1, 71-87 and 97-110, drawn to an effluent gas stream treatment system, classified in class 422, subclass 172.           |

Applicants believe there would be a great economy of cost and effort on the part of the Office, and certainly to the applicants, if the closely related subject matter of Groups I - II claims were examined together in this one application. Applicants maintain the subject matter of Groups I - II define, but one invention, and do not possess sufficient differences to warrant issuance of separate patents.

In the event the requirement is adhered to, applicants provisionally elect with traverse, the invention of **Group II**, for further examination on the merits.

In accordance with Office guidelines recited in MPEP Section 821.04, elected apparatus claims found to recite patentable subject matter may be rejoined with the provisionally withdrawn method of use claims and examined in this one application provided the method of use claims recite limitations corresponding to those found to be patentable during examination of the elected invention. As such, when the system claims are found to recite patentable subject matter, non-elected method of treatment claims should be taken up for examination.

Respectfully submitted,



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